

**IN THE BOARD OF SUPERVISORS**  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

\_\_\_\_\_ day \_\_\_\_\_, 20\_\_

**PRESENT: Supervisors**

**ABSENT:**

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AFFIRMING THE DECISION OF PLANNING COMMISSION AND  
CONDITIONALLY APPROVING THE APPLICATION OF TIM WINSOR FOR DEVELOPMENT  
PLAN/COASTAL DEVELOPMENT PERMIT  
DRC2011-00043

The following resolution is hereby offered and read:

WHEREAS, on July 26, 2012, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the Planning Commission) duly considered and conditionally approved the application of Tim Winsor for Development Plan/Coastal Development Permit DRC2011-00043 amending and modifying original Development Plan D870020D; and

WHEREAS, Hilda Leslie and Curtis Leslie have jointly appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the Board of Supervisors) pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on February 26, 2013, and determination and decision was made on February 26, 2013; and

## Attachment 2

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Planning Commission should be affirmed subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth herein above are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
3. That this request is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. In this case, it can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines section 15061(b)(3), General Rule Exemption]
4. That the appeal filed by Hilda Leslie and Curtis Leslie is hereby denied and the decision of the Planning Commission is affirmed and that the application of Tim Winsor for Development Plan/Coastal Development Permit DRC2011-00043 is hereby approved subject

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to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

\_\_\_\_\_  
Chairperson of the Board of Supervisors

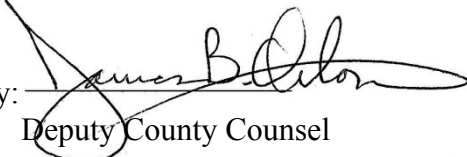
ATTEST:

\_\_\_\_\_  
Clerk of the Board of Supervisors

(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL  
County Counsel

By:   
Deputy County Counsel

Dated: February 13, 2013

## Attachment 2

STATE OF CALIFORNIA, )  
 ) ss.  
County of San Luis Obispo, )

I, \_\_\_\_\_, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this day of \_\_\_\_\_, 20\_\_\_\_.

County Clerk and Ex-Officio Clerk  
of the Board of Supervisors

(SEAL)

By: \_\_\_\_\_ Deputy Clerk.

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### EXHIBIT A – FINDINGS DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT DRC2011-00043

#### ***Development Plan***

- A. The proposed project or use is consistent with the San Luis Obispo County General Plan and the County's certified Local Coastal Program because the use is an allowed use and as conditioned is consistent with all of the General Plan and local coastal plan policies. No new development is associated with this development plan amendment.
- B. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code because road maintenance will continue to be addressed by the property owners association.
- C. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because no new development and no site disturbance is associated with this development plan amendment and modification request. Road maintenance will continue to be addressed by the property owners association and the property will continue to be subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- D. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development and will not conflict with the surrounding lands and uses because the development plan amendment and modification does not involve new development or site disturbance and will only effect the structure of road maintenance responsibility within the Cambria Ranch development.
- E. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the request because the development plan amendment and modification does not involve new development and the existing alternative access road (under the San Simeon Creek Ranch Road Association) is constructed to a level that is consistent with the current level of vehicular use. Potential vehicle trips over Red Mountain Road have been effectively reduced by eliminating a legal parcel (and its associated residential development potential) through voluntary merger with an adjoining agricultural parcel.

#### ***Coastal Access***

- F. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the property is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

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### ***Archeological Sensitive Area***

- G. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because no new development is proposed with this project.

### ***CEQA***

- H. This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. In this case, it can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]

### ***APPEAL FINDINGS***

- I. The appellants filed a timely appeal consistent with Section 23.01.042 of the Coastal Zone Land Use Ordinance.
- J. The appellants exercised their right to submit written comments and materials to the Planning Commission which are part of the written record and were given the same time to provide verbal testimony at the Planning Commission hearing as is customary for members of the public. As a result, the appellants were given adequate time to present their position and be meaningfully involved in the process before the Planning Commission.
- K. The appellants have not provided information to indicate what specific inaccuracies were presented in the staff report to the Planning Commission, and absent additional information, the report to the Planning Commission is considered to be based on factual information.
- L. The appellants could have requested a meeting with staff to discuss this development plan application but did not do so.
- M. The appellants' position that as members of the property owners association they were entitled to "equal protection under the law" and the county is responsible to defend their rights is inaccurate. Although the county has the right to enforce the conditions of approval addressing road maintenance, the county does not have the obligation to do so, and enforcement of CC&Rs is typically a civil matter between members of a property owners association.
- N. At the time of submittal of the application, staff reviewed the development plan request and determined that the request was not appealable to the Coastal Commission because it does not fall under the list of appealable items under Section 23.01.043c of the Coastal Zone Land Use Ordinance. Neither the applicant nor any other interested person challenged the Planning Director's determination that the development was non-appealable.

## **Attachment 2**

### **EXHIBIT B – CONDITIONS OF APPROVAL**

#### **Approved Development**

1. This approval authorizes the modification of the conditions of approval for Development Plan/Coastal Development Permit D870020D (previously modified by D000263D), as follows:
  - a) The property affected is described as: C.C. O.R. 99-007545 which is a portion of APN 011-291-052, legal description: Lot 1 of Voluntary Merger (V.M. O.R. 2001-007998).
  - b) The above described property is no longer subject to the conditions of approval for Development Plan/Coastal Development Permit D870020D (previously modified by D000263D).
  - c) The above described property is removed from the site plan for Development Plan/Coastal Development Permit D870020D (previously modified by D000263D).

#### **Effective Time**

2. This permit is valid from the effective date of approval and remains effective in perpetuity unless further amended or modified by a subsequent development plan.

#### **Indemnification**

3. The applicant shall as a condition of approval of this Development Plan/Coastal Development Permit defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this Development Plan/Coastal Development Permit or the manner in which the County is interpreting or enforcing the conditions of this Development Plan/Coastal Development Permit, or any other action by a third party relating to approval or implementation of this Development Plan/Coastal Development Permit. The applicant shall reimburse the County for any costs and attorney's fees (including those incurred at the administrative hearing) which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.